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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,555

03/21/2005

George Miller

CAF-33402/03

8316

25006

7590

03/06/2008

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EXAMINER

PATEL, BHARAT C

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

03/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,555	<b>Applicant(s)</b> MILLER, GEORGE	
	<b>Examiner</b> Bharat C. Patel	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-66 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. This application contains claims directed to the following patentably distinct Groups:

A: Claims 1-49, drawn to a cast-cutter cutting by shearing action,

B: Claims 50-51, drawn to a method of removing a cast from a patient having shearing cutting means,

C: Claims 52-65, drawn to the cast-cutter cutting by an abrasion action,

D: Claim 66, drawn a method of removing a cast from a patient having abrading cutting means.

The inventions of Groups B and A do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special features for the following reasons: The technical feature of the invention A, as mentioned above, is not present in inventions B. Conversely, the technical features in inventions B-D are not present in invention A. It should be noted that inventions A-D are distinct from one another by having at least a specific feature that is not presented in the other inventions.

3. Should applicant elect Group A, then Applicant is required to elect one of the following subgroups.

Subgroup A1, claim(s) 3-4, drawn to a special technical feature of a connecting member of the cast cutter.

Subgroup A2, claim(s) 6-9, drawn to a special technical feature of a contact surface of the cast cutter.

Subgroup A3, claim(s) 10-12, drawn to a special technical feature of tapered edges on the protection member of the cast cutter.

Subgroup A4, claim(s) 14-17, drawn to a special technical feature of a single cutting edge of the first and second portions of the cutting means of the cast cutter.

Subgroup A5, claim(s) 18-23, 31, 32, 34, 35, drawn to a special technical feature of cutting means having first and second portions stationary and moveable respectively.

Subgroup A6, claim(s) 24-25, drawn to a special technical feature of inserts (as cutting edges) of the first and second portions as inserts of the cutting means of the cast cutter.

Subgroup A7, claim(s) 26-29, 33, drawn to a special technical feature of shearing discrete fragments of material from a cast.

Subgroup A8, claim(s) 36, drawn to a special technical feature of electric drive means of the cast cutter.

Subgroup A9, claim(s) 37, drawn to a special technical feature of hydraulic drive means of the cast cutter.

Subgroup A10, claim(s) 38, drawn to a special technical feature of pneumatic drive means of the cast cutter.

Subgroup A11, claim(s) 40, drawn to a special technical feature of a safety switch of the cast cutter.

Subgroup A12, claim(s) 41-45, drawn to a special technical feature of a safety guard around the cutting means of the cast cutter.

Subgroup A13, claim(s) 46-48, drawn to a special technical feature of means for collecting the sections of a cast of the cast cutter.

Subgroup A14, claim(s) 49, drawn to a special technical feature of extraction means of cast material.

Subgroup A15, claim(s) 39, drawn to a special technical feature of a normally open activation switch of the cast cutter.

Claims 1, 2, 5, 13 and 30 will be examined with the election of any subgroups A1-A15.

4. Should applicant elect Group C, then Applicant is required to elect one of the following subgroups.

Subgroup C1, claim(s) 53-57, drawn to a special technical feature of at least one cutting disc of the cutting means of the cast cutter.

Subgroup C2, claim(s) 58, drawn to a special technical feature of two cutting discs of the cutting means of the cast cutter.

Subgroup C3, claim(s) 59, drawn to a special technical feature of one cutting rod of the cutting means of the cast cutter.

Subgroup C4, claim(s) 60-63, drawn to a special technical feature of at least one connecting member.

Subgroup C5, claim(s) 64, drawn to a special technical feature of two or more connecting members.

Subgroup C6, claim(s) 65, drawn to a special technical feature of pivotally mounting of the protection member of the cast cutter.

Claim 52 will be examined with the election of any subgroups C1-C6.

7. It should also be noted that claim 1 links invention A1 – A15, claim 52 links invention C1—C6. The restriction requirement among the linked invention is subject to the nonallowance of the linking claim 1 for invention A and 52 for invention C. Upon the indication of allowability of the linking claims, the restriction requirement as to the linked invention shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104.

8. The inventions listed as subgroups A1-A15 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature of the invention A1 – A15, as mentioned above, is not present in inventions B. Conversely, the technical features in inventions B-D are not present in invention A. It should be noted that inventions A-D are distinct from one another by having at least a specific feature that is not presented in the other inventions.

9. The inventions listed as subgroups C1-C6 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature of the inventions C1 – C6, as mentioned above, is not present in inventions A. Conversely, the technical features in inventions B-D are not present in invention A. It should be noted that inventions A-D are distinct from one another by having at least a specific feature that is not presented in the other inventions.

10. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Fig. 2 – 1st portion stationary & second portion moveable (claims 18, 19)

Fig. 3 – An aperture having a cutting edge (Claim 15)

Fig. 4 & 6– second portion is rotatably mounted (claims 13, 14, 23)

Fig. 5 –Two apertures each having cutting edge (claims 16, 17, 64)

Fig. 7 –First portion located on the protection member (claim 19)

Fig. 8 to 10 – Defines an aperture (claims 2, 32-35)

Fig. 11 to 13 – collecting means (claims 46-49)

Fig. 14 & 15 – Inserts are releasably secured (claim 25)

Fig. 16 to 18 – connecting member exerting force on the edges (claim 62)

Fig. 19 to 21–discrete fragments of material removed from a cast (claims 26-28)

Fig. 22 – A safety guard disposed around the cutting means (claims 41-45)

Fig. 23 to 26 – First & Second portions are inserts (claims 24, 25)

Fig. 27 & 28– Protective Shoe (claims 6-10)

Fig. 29 – One cutting disc mounted on the body (claims 53-57, 63)

Fig. 30 – Two cutting discs mounted and moveable about a common axis of rotation (claims 58, 64)

Fig. 31 & 32– Protection member is pivotably mounted on the body (claim 65)

Fig. 33 – Single connecting member (claims 3, 4, 5, 6)

11. The claims are deemed to correspond to the species as set forth above.

The following claim(s) appears to be generic: Claims 1 and 52.

12. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: As Fig. 3, an aperture having a cutting edge is distinct technical feature compare to the feature of Fig. 2, 1st portion stationary & second portion moveable.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.



Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat C. Patel whose telephone number is 571-27-03078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/

Examiner, Art Unit 3724,

February 27, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724